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10 **BEFORE THE**
RESPIRATORY CARE BOARD
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

13 DENNIS BOREY, RCP

14 715 De La Fuente Street
Monterey Park, CA 91754
15 Respiratory Care Practitioner License No. 3079

16 Respondent.
17

Case No. 1H 2008 102

OAH No. L-2008050510

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:
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21 PARTIES

22 1. Stephanie Nunez (Complainant) is the Executive Officer of the
23 Respiratory Care Board of California. She brought this action solely in her official capacity and
24 is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of
25 California, by Abraham M. Levy, Deputy Attorney General.

26 2. Dennis Borey, RCP (Respondent) is representing himself in this
27 proceeding and has chosen not to exercise his right to be represented by counsel.

28 3. On or about May 10, 1985, the Respiratory Care Board of California

1 issued Respiratory Care Practitioner License No. 3079 to Dennis Borey, RCP (Respondent). The
2 license was in full force and effect at all times relevant to the charges brought in the First
3 Amended Accusation No. 1H 2008 102 and will expire on February 28, 2009, unless renewed.

4 JURISDICTION

5 4. The First Amended Accusation No. 1H 2008 102 was filed before the
6 Respiratory Care Board (Board), Department of Consumer Affairs, and is currently pending
7 against Respondent. The First Amended Accusation and all other statutorily required documents
8 were properly served on Respondent on June 17, 2008 and Respondent timely filed his Notice of
9 Defense contesting the First Amended Accusation. A copy of the First Amended Accusation No.
10 1H 2008 102 is attached as exhibit A and incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, and understands the charges and allegations
13 in the First Amended Accusation No. 1H 2008 102. Respondent also has carefully read, and
14 understands the effects of this Stipulated Surrender of License and Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the
16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
17 counsel, at his own expense; the right to confront and cross-examine the witnesses against him;
18 the right to present evidence and to testify on his own behalf; the right to the issuance of
19 subpoenas to compel the attendance of witnesses and the production of documents; the right to
20 reconsideration and court review of an adverse decision; and all other rights accorded by the
21 California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
23 each and every right set forth above.

24 CULPABILITY

25 8. Respondent understands that the charges and allegations in the First
26 Amended Accusation No. 1H 2008 102, if proven at a hearing, constitute cause for imposing
27 discipline upon his Respiratory Care Practitioner License.

28 9. For the purpose of resolving the First Amended Accusation without the

expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the First Amended Accusation and that those charges constitute cause for discipline. Respondent hereby gives up his right to contest that cause for discipline exists based on those charges.

10. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Respiratory Care Practitioner License without further process.

RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Respiratory Care Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

12. This stipulation shall be subject to approval by the Respiratory Care Board. Respondent understands and agrees that counsel for Complainant and the staff of the Respiratory Care Board of California may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the (Board) may, without further notice or formal proceeding, issue and enter the

1 following Order:

2 **ORDER**

3 IT IS HEREBY ORDERED that Respiratory Care Practitioner License No. 3079,
4 issued to Respondent Dennis Borey, RCP is surrendered and accepted by the Respiratory Care
5 Board.

6 15. The surrender of Respondent's Respiratory Care Practitioner License and
7 the acceptance of the surrendered license by the Board shall constitute the imposition of
8 discipline against Respondent. This stipulation constitutes a record of the discipline and shall
9 become a part of Respondent's license history with the Board.

10 16. Respondent shall lose all rights and privileges as a Respiratory Care
11 Therapist in California as of the effective date of the Board's Decision and Order.

12 17. Respondent shall cause to be delivered to the Board both his wall and
13 pocket license certificate on or before the effective date of the Decision and Order.

14 18. Respondent fully understands and agrees that if he ever files an application
15 for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
16 petition for reinstatement. Respondent must comply with all the laws, regulations and
17 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all
18 of the charges and allegations contained in the First Amended Accusation No. 1H 2008 102 shall
19 be deemed to be true, correct and admitted by Respondent when the Board determines whether to
20 grant or deny the petition.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Respiratory Care Practitioner License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Respiratory Care Board.

DATED: June 30, 2008.

Original signed by: _____
Dennis Borey, RCP (Respondent)
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Respiratory Care Board of the Department of Consumer Affairs.

DATED: July 2, 2008

EDMUND G. BROWN JR., Attorney General
of the State of California

ROBERT MCKIM BELL
Supervising Deputy Attorney General

Original signed by: _____
ABRAHAM M. LEVY
Deputy Attorney General

Attorneys for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

DENNIS BOREY, RCP

715 De La Fuente Street
Monterey Park, CA 91754

Respiratory Care Practitioner License No. 3079

Respondent.

Case No. 1H 2008 102

OAH No. L-2008050510

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the
Respiratory Care Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 23, 2008.

It is so ORDERED July 16, 2008.

Original signed by:

LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA